

**OPINION
45-162**

July 31, 1945 (OPINION)

INTOXICATING LIQUOR

RE: Places of Sale - Minors Prohibited

This will acknowledge your letter of July 28, in which you advise that you are operating a beer parlor and a pool hall in the village of Zap. I assume from your letter that you are selling beer over a bar. You want to know whether it is permissible for you to let boys under 18 years of age come into your place of business and play pool, and also whether it is permissible for a father and son to come into your place of business, the son being under age, and buy beer to be consumed by both of them on the premises.

Under the terms of Section 53-0508 of the North Dakota Revised Code of 1943, no owner or keeper of any pool or billiard hall or any bowling alley or any other place where public games of pool, billiards, bowling or cards are played, shall allow any person under the age of 18 years or any person attending a local high school, to play any of such games or to be employed in said place or visit said place, unless accompanied by a parent or guardian. Accordingly, you are not allowed to let boys under 18 years of age play pool in your pool hall or to visit therein, unless they are accompanied by a parent or guardian.

Section 4 of Senate Bill 109, Chapter 50 of the 1945 Session Laws, states:

No person under 21 years of age shall be permitted in any room wherein is operated or maintained a bar, on or over which beer or alcohol and alcoholic beverages are sold, furnished or distributed."

This statute prohibits you from allowing anyone under 21 years of age to visit or loaf around your beer parlor.

The 1945 Legislature also enacted Chapter 52 of the 1945 Session Laws, which prohibits the sale of beer, alcohol or alcoholic beverages to any person under the age of 21 years, incompetent person, Indian, as defined by federal law, or a person who is an inebriate or habitual drunkard. That has been the law since March 14, 1945. You will note that under the statute you will be committing a crime if you allow any youngster under 21 years of age to visit your beer parlor, and you will also be committing a crime if you sell beer to father and son, the son being under the age of 21 years. The father of a boy cannot grant you immunity from the operation of this law. Even though you sell the beer to the father with the understanding that he is going to allow the son to drink it in your place of business, you will be committing a crime.

I trust this answers your inquiry sufficiently.

NELS G. JOHNSON

Attorney General